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IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA

v.

DALE EDWARD MORELAND
LUIS AGUIRRE MARTINEZ
ALBERT C. TAYLOR
CHARLES LEO KINGREA

INDICTMENT

Criminal Number 5:07CR00048

All in Violation of:

18 U.S.C. §371
18 U.S.C. §1955
18 U.S.C. §1956(a)(1)(A)(i)
18 U.S.C. §1956(a)(1)(B)(i)
18 U.S.C. §1956(h)
7 U.S.C. §2156(a)(1)

INTRODUCTION

At times relevant to this Indictment:

a. Cockfighting is a game of chance in which a knife, a gaff or another sharp instrument is attached to the legs of roosters for the purpose of fighting each other. The fight occurs in a walled in pit surrounded by spectator benches. The fights between the roosters are supervised by a referee. The fight is ended when one rooster is dead or refuses to continue to fight. If not killed during the fight, the losing rooster is almost always killed after the fight. A series of cockfights conducted in a day is referred to as a Derby. A Derby usually consisted of dozens of individual fights lasting from mid-morning until late afternoon depending upon the number of entries.

b. The activities set forth in this Indictment were in violation of the laws of the State of Virginia. Under Va. Code Ann. §§18.2-325(1) and 326, "Illegal gambling" means the making, placing or receipt, of any bet or wager in this Commonwealth of money or other thing of value, made in exchange for a chance to win a prize, stake or other consideration or thing of value, dependent

upon the result of any game, contest or any other event the outcome of which is uncertain or a matter of chance . . .” Under Va. Code Ann. §§ 18.2-328, 329 & 330, it is illegal to operate, own and aid, abet or assist in the operation of a gambling enterprise. Under Va. Code Ann. §3.1-796.125(A), it is illegal for “[a]ny person [to engage] in the fighting of cocks . . . for money, prize or anything of value, or betting or wagering money or anything of value on the result of such a fight, . . .” Under Va. Code Ann. §3.1-796.125(B), it is illegal for the “[a]ttendance at the fighting of cocks . . . where an admission fee is charged, directly or indirectly, . . .”

c. For the purposes of this Indictment, the term “rooster” is synonymous with the terms “cock”, “bird” and “chicken.”

d. During the time frame of this Indictment, a cockfighting pit named “Little Boxwood” was owned by LUIS AGUIRRE MARTINEZ on Kite Hollow Road in Page County, Virginia. The property consisted of a building containing the fighting pit, spectator bleachers and a concession stand. Both inside and outside the building were a series of “cockhouses” – small shelters where the roosters were kept while not fighting. The cockhouses were rented to the participants.

e. During the time frame of this Indictment, the Little Boxwood cockpit was operated by DALE EDWARD MORELAND, whose duties included collecting the bets or “entry fees” from the participants wishing to fight their roosters; matching the roosters for the fights; and, disbursing the wagered monies to the winner(s) of the Derby. The entry fees ranged from \$75 to \$400 with the corresponding wagered purse between approximately \$1,000 to \$21,000.

f. In addition to the wagered money for the purse during the time frame of this Indictment, the owners of the roosters and the spectators would place individual bets with each other on the outcome of the cockfights.

g. During the Derbies in the time frame of this Indictment, approximately one or more persons known to the Grand Jurors managed and supervised the collection of approximately \$15 admission fees for each Derby. During the time frame of this Indictment, paid admission sales ranged from approximately 70 to hundreds of persons. DALE EDWARD MORELAND later received these fees and split them with LUIS AGUIRRE MARTINEZ.

h. During the Derbies in the time frame of this Indictment, one or more persons known to the Grand Jurors conducted and supervised the weighing of the roosters. This information was used by DALE EDWARD MORELAND to match up the roosters for the fights.

i. During the Derbies in the time frame of this Indictment, approximately five or more persons known to the Grand Jurors supervised and managed the fights in the role of a referee. The referees were paid for their work by DALE EDWARD MORELAND.

j. During the Derbies in the time frame of this Indictment, approximately three or more persons managed and supervised the concession stand.

k. During the time frame of this Indictment, a person known to the Grand Jurors managed and supervised the maintenance of the Little Boxwood cockfighting pit.

l. During the time frame of this Indictment, DALE EDWARD MORELAND scheduled Derbies on the weekends at Little Boxwood from approximately December to August and mailed printed copies of the schedule to interested parties in intrastate and interstate commerce.

m. During the Derbies in the time frame of this Indictment, persons traveled in interstate and foreign commerce from, among other locations, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, West Virginia and Canada to enter their roosters in the Derbies and/or to be spectators at the events.

n. During the Derbies in the time frame of this Indictment, CHARLES LEO KINGREA operated a retail business inside of Little Boxwood which sold knives, gaffs, cockfighting accessories and various medications used on the fighting roosters. CHARLES LEO KINGREA obtained many of these supplies in interstate commerce from, among other locations, North Carolina, Delaware, Alabama and Tennessee and sold these cockfighting supplies at cockpits located outside the state of Virginia and to interstate customers from his Virginia residence. Due to his status in the organization, CHARLES LEO KINGREA was exempted from paying an admission fee to the Derbies. DALE EDWARD MORELAND arranged for CHARLES LEO KINGREA to operate, manage, supervise and conduct his business at the Little Boxwood cockfighting pit.

o. During the time frame of this Indictment, LUIS AGUIRRE MARTINEZ deposited approximately \$133,000 in cash derived from the illegal cockfighting and gambling operation at Little Boxwood. This cash was deposited into three LUIS AGUIRRE MARTINEZ controlled checking accounts at BB&T, co-mingled with legitimate income received by LUIS AGUIRRE MARTINEZ, and used to make mortgage payments on two houses (National City Mortgage and Wells Fargo) and expenses related to the operation of the Little Boxwood cockfighting establishment. These expenses included payments to John Campbell, KJ Trophy and others known and unknown to the Grand Jurors.

p. In or about the Fall of 2006 and continuing until May 2007, an Undercover Agent with the United States Department of Agriculture (hereinafter referred to as "UC") began telephonic and person to person negotiations with LUIS AGUIRRE MARTINEZ to purchase Little Boxwood. During these negotiations, LUIS AGUIRRE MARTINEZ and DALE EDWARD MORELAND repeatedly assured the UC that local law enforcement would not interfere with the cockfighting

operations at Little Boxwood. LUIS AGUIRRE MARTINEZ, DALE EDWARD MORELAND and the UC engaged in conversations concerning the UC making payments to a Page County Official (hereinafter referred to as the "County Official") to insure the continuance of non-interference after the UC purchased Little Boxwood. These conversations between LUIS AGUIRRE MARTINEZ, DALE EDWARD MORELAND and the UC were recorded.

q. On or about January 20, 2007, LUIS AGUIRRE MARTINEZ and the UC met at Little Boxwood to discuss the financial arrangements in place at Little Boxwood. LUIS AGUIRRE MARTINEZ established that the "house" makes about \$5,000 a day "during the good season"; that LUIS AGUIRRE MARTINEZ and DALE EDWARD MORELAND splits the house profit "50-50"; that the concession stand can make \$1,500 to \$2,000 a day; and, that LUIS AGUIRRE MARTINEZ, DALE EDWARD MORELAND and the Manager of the concession stand splits the profits from that part of the operation equally.

r. On or about March 10, 2007, LUIS AGUIRRE MARTINEZ and the UC met at a cockfight at Little Boxwood to discuss, among other things, the purchase of the cockpit by the UC and the UC making a "donation" to the County Official to insure no interference with Little Boxwood's operation by local law enforcement agencies. LUIS AGUIRRE MARTINEZ told the UC that if he purchases Little Boxwood that he should retain the services of DALE EDWARD MORELAND or "Donald" due to their intimate knowledge of the operation and their relationship with the County Official.

s. On or about March 11, 2007, LUIS AGUIRRE MARTINEZ and the UC met at LUIS AGUIRRE MARTINEZ's residence in Manassas, Virginia. LUIS AGUIRRE MARTINEZ told the UC that he takes a 10% cut of the bets or "entry fees" as his cut; that there are usually four referees

for each Derby; that he rents the cockhouses at Little Boxwood for \$50 to \$100 a season or \$20 a Derby; and, that the profits from the concession stand are divided between him, DALE EDWARD MORELAND and the "kitchen person." LUIS AGUIRRE MARTINEZ agreed to sell Little Boxwood to the UC for \$275,000. The UC agreed to make a \$10,000 down payment and pay the County Official \$500.

t. On or about March 31, 2007, LUIS AGUIRRE MARTINEZ and the UC met at a cockfight at Little Boxwood to further discuss the purchase of Little Boxwood by the UC. LUIS AGUIRRE MARTINEZ told the UC that, in addition to the wagers on the Derby purse, that side bets are common but DALE EDWARD MORELAND advises the bettors not to wager in a "loud voice." LUIS AGUIRRE MARTINEZ said he had won \$75 in side bets on this date.

u. On or about April 2, 2007, LUIS AGUIRRE MARTINEZ and the UC discussed the UC making two payments of \$500 to the County Official. LUIS AGUIRRE MARTINEZ stated that the payments would go through "Albert" who worked for the County Official.

v. On or about April 4, 2007, the UC met at Little Boxwood with DALE EDWARD MORELAND, LUIS AGUIRRE MARTINEZ, ALBERT C. TAYLOR and another person known to the Grand Jurors, for the purpose of discussing the purchase of Little Boxwood and to make payments of monies to the County Official to insure that the cockpit would be free of local law enforcement harassment. DALE EDWARD MORELAND and LUIS AGUIRRE MARTINEZ arranged for the UC to meet ALBERT C. TAYLOR. This conversation was covertly recorded. ALBERT C. TAYLOR attended the meeting as a representative and agent of the County Official. During this meeting, ALBERT C. TAYLOR stated as follows: "[T]he only thing [the County Official] told me is his position hasn't changed . . . we don't have to worry about [the County

Official]. As long as he don't get pressure to . . . I'm sure if he gets any pressure we'll know unless somebody hangs on his goddamn elbow." DALE EDWARD MORELAND added: " [The County Official] told me as long as we don't have any trouble here or he don't get no calls we'll never hear nothing out of him. That's what he told me." With regard to the \$500 payment, ALBERT C. TAYLOR and DALE EDWARD MORELAND discussed how to prevent the money from appearing as a bribe. In the presence of DALE EDWARD MORELAND and LUIS AGUIRRE MARTINEZ, ALBERT C. TAYLOR stated: "I'll make a donation to [the County Official] and he can put that into his coffers." As a result of this conversation, the UC paid ALBERT C. TAYLOR \$500 to be paid to the County Official. ALBERT C. TAYLOR later paid the \$500 to the County Official and it was deposited into a checking account associated with the County Official.

w. On or about April 20, 2007, DALE EDWARD MORELAND met with the UC to discuss the inner workings of Little Boxwood. DALE EDWARD MORELAND advised the UC that, excluding LUIS AGUIRRE MARTINEZ, there are seven employees required to conduct a Derby at Little Boxwood. DALE EDWARD MORELAND explained there are usually four referees for each Derby who get paid \$100 to \$150 and that the weigh master usually receives \$150 to \$200 per Derby. DALE EDWARD MORELAND stated that he and LUIS AGUIRRE MARTINEZ split the profits from the operation.

x. On or about May 5, 2007, ALBERT C. TAYLOR told the UC that he had paid the \$500 to the County Official and told the County Official that the money was provided by the UC. The County Official reported the payment on his campaign ledger as a donation from ALBERT C. TAYLOR and then deposited the money into a checking account at Pioneer Bank.

y. On or about May 5, 2007, DALE EDWARD MORELAND conducted, managed,

supervised, directed and operated the Little Boxwood cockfighting pit in the same manner as described above; LUIS AGUIRRE MARTINEZ owned the Little Boxwood cockfighting pit as described above; ALBERT C. TAYLOR managed and conducted the operation of the Little Boxwood cockfighting pit by accepting an additional \$500 to be paid to the County Official described above as to insure the absence of interference of the operation by law enforcement officials; CHARLES LEO KINGREA conducted, financed, managed, supervised, directed and owned the retail supply business operating at Little Boxwood cockfighting pit as described above; a person known to the Grand Jurors managed and supervised the cockfights at Little Boxwood in the role as fight referee as described above; a person known to the Grand Jurors conducted, managed and supervised the weighing of the roosters in preparation of the fights at Little Boxwood as described above; a person known to the Grand Jurors conducted and managed the collection of admission fees from spectators and participants to attend the fights at Little Boxwood as described above; and, a person known to the Grand Jurors managed and supervised the concession stand prior and during the fights at Little Boxwood as described above.

COUNT ONE

The Grand Jury charges:

1. That the Introduction to this Indictment is realleged and incorporated by reference into this Count of the Indictment.
2. That from in or about 2003, until on or about May 5, 2007, in the Western Judicial District of Virginia and elsewhere, DALE EDWARD MORELAND, LUIS AGUIRRE MARTINEZ, ALBERT C. TAYLOR and CHARLES LEO KINGREA, the defendants, willfully and knowingly

combined, conspired, confederated and agreed together, with each other and with diverse other persons known and unknown to the Grand Jurors to commit the following offenses against the United States, to wit: to knowingly sponsor and exhibit an animal fighting venture, in which any animal in the venture was moved in interstate commerce, in violation of Title 7, United States Code, Section 2156(a)(1); and, to unlawfully, willfully and knowingly conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, said gambling business involving betting on cockfighting, in violation of the laws of the State of Virginia (Va. Code Ann. §§18.2-325(1), 326, 328, 329 & 330, and 3.1-796.125), in which illegal gambling business involved during the period aforesaid, five or more persons who conducted, financed, managed, supervised, directed and owned all or a part thereof; and which gambling business remained in substantially continuous operation for a period in excess of thirty days, in violation of Title 18, United States Code, Section 1955.

3. That in furtherance of the conspiracy and to effect the objects thereof, the defendants performed, among others, the overt acts set forth in the Introduction to this Indictment.

4. All in violation of Title 18, United States Code, Section 371.

COUNT TWO

The Grand Jury charges:

1. That the Introduction to this Indictment is realleged and incorporated by reference into this Count of the Indictment.

2. That on or about May 5, 2007, in the Western Judicial District of Virginia and elsewhere, DALE EDWARD MORELAND and CHARLES LEO KINGREA, the defendants, willfully and knowingly combined, conspired, confederated and agreed together, with each other and

with diverse other persons known and unknown to the Grand Jurors to commit the following offense against the United States, to wit: to knowingly sell, buy, transport and deliver in interstate commerce a knife, a gaff or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture, in violation of Title 7, United States Code, Section 2156(e).

3. That in furtherance of the conspiracy and to effect the objects thereof, the defendants performed, among others, the overt acts set forth in the Introduction to this Indictment.

4. All in violation of Title 18, United States Code, Section 371.

COUNT THREE

The Grand Jury charges:

1. That the Introduction to this Indictment is realleged and incorporated by reference into this Count of the Indictment.

2. That on or about May 5, 2007, in the Western Judicial District of Virginia and elsewhere, DALE EDWARD MORELAND, LUIS AGUIRRE MARTINEZ, ALBERT C. TAYLOR and CHARLES LEO KINGREA, the defendants, as principals and/or aiders and abettors, did knowingly sponsor and exhibit an animal fighting venture, in which any animal in the venture was moved in interstate commerce.

3. All in violation of Title 7, United States Code, Section 2156(a)(1); and Title 18, United States Code, Section 2.

COUNT FOUR

The Grand Jury charges:

1. That the Introduction to this Indictment is realleged and incorporated by reference into this Count of the Indictment.

2. That from in or about 2003, until on or about May 5, 2007, in the Western Judicial District of Virginia and elsewhere, DALE EDWARD MORELAND, LUIS AGUIRRE MARTINEZ, ALBERT C. TAYLOR and CHARLES LEO KINGREA, the defendants, as principals and/or aiders and abettors, did unlawfully, willfully and knowingly conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, said gambling business involving betting on cockfighting, in violation of the laws of the State of Virginia (Va. Code Ann. §§18.2-325(1), 326, 328, 329 & 330, and 3.1-796.125), in which illegal gambling business involved during the period aforesaid, five or more persons who conducted, financed, managed, supervised, directed and owned all or a part thereof; and which gambling business remained in substantially continuous operation for a period in excess of thirty days.

3. All in violation of Title 18, United States Code, Sections 1955 and 2.

COUNT FIVE

The Grand Jury charges:

1. That the Introduction to this Indictment is realleged and incorporated by reference into this Count of the Indictment.

2. That from in or about January 2007 until on or about May 5, 2007, in the Western Judicial District of Virginia and elsewhere, ALBERT C. TAYLOR, DALE EDWARD MORELAND

and LUIS AGUIRRE MARTINEZ, the defendants, together and with others known and unknown to the Grand Jurors, did unlawfully, willfully and knowingly combine, conspire, confederate and agree among themselves and each other to commit a certain offense against the United States, that is: knowing that property to be involved in a financial transaction was represented to be the proceeds of a specified unlawful activity, that is Bribery under Virginia State Law in violation of §18.2-447(1) & (2), to conduct and attempt to conduct such a financial transaction affecting interstate commerce with the intent to promote the carrying on of the specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(3)(A) & 2; and, to conduct and attempt to conduct such a financial transaction affecting interstate commerce with the intent to conceal and disguise the nature and source of property believed to be the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(3)(B) & 2.

3. That it was a part of the conspiracy on or about January 20, 2007, for LUIS AGUIRRE MARTINEZ to meet with an Undercover Agent with the United States Department of Agriculture (hereinafter referred to as "UC") for the purpose of selling Little Boxwood. LUIS AGUIRRE MARTINEZ represented to the UC that he made payments to local law enforcement officers to prevent interference with the cockfighting activities at Little Boxwood.

4. That it was a further part of the conspiracy on or about March 13, 2007, for LUIS AGUIRRE MARTINEZ and the UC to agree in a telephone conversation for the UC to pay a County Official \$500 to insure a lack of law enforcement interference at Little Boxwood after the UC purchased the cockfighting pit.

5. That it was a further part of the conspiracy on or about April 2, 2007, for LUIS AGUIRRE MARTINEZ to inform the UC that ALBERT C. TAYLOR would accept the payment

of \$500 on behalf of the County Official.

6. That it was a further part of the conspiracy that on or about April 4, 2007, for DALE EDWARD MORELAND, LUIS AGUIRRE MARTINEZ, ALBERT C. TAYLOR, the UC and another person known to the Grand Jurors to meet at Little Boxwood to discuss, among other things, the payment of \$500 to the County Official and the County Official's assurances there would be no local law enforcement interference at future cockfights at Little Boxwood. DALE EDWARD MORELAND explained to the UC that the \$500 payment would go through ALBERT C. TAYLOR instead of directly to the County Official "because it'd look kinda funny depending on how you, a campaign contribution or whatever he don't want to be on the spot where somebody would say he's bribing you." ALBERT C. TAYLOR told the UC he would make the payment to the County Official "anonymously," otherwise it would appear the County Official was "being bought off by the gamebreeders association, we'll keep it on the QT." At the end of the meeting, the UC gave ALBERT C. TAYLOR \$500 in one hundred bills and ALBERT C. TAYLOR stated: "I'll make a donation to the [County Official] and he can put that in his coffers."

7. That it was a further part of the conspiracy on or about April 5, 2007, for ALBERT C. TAYLOR to give the \$500 in cash to the County Official.

8. That it was a further part of the conspiracy on or about April 5, 2007, for the County Official to cause the \$500 to be deposited in a checking account associated with the County Official at Pioneer Bank, a financial institution insured by the Federal Deposit Insurance Corporation.

9. That it was a further part of the conspiracy on or about April 30, 2007, for DALE EDWARD MORELAND and the UC to discuss making another payment to the County Official through ALBERT C. TAYLOR.

10. That it was a further part of the conspiracy on or about May 5, 2007, for ALBERT C. TAYLOR to accept a \$500 money order from the UC on behalf of the County Official.

11. All in violation of Title 18, United States Code, Section 1956(h).

COUNT SIX

The Grand Jury charges:

1. That the Introduction to this Indictment is realleged and incorporated by reference into this Count of the Indictment.

2. That on or about November 15, 2004, in the Western Judicial District of Virginia and elsewhere, LUIS AGUIRRE MARTINEZ, the defendant, did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Check #1072 in the amount of \$1,400.00 was drawn by LUIS AGUIRRE MARTINEZ on an account number 5238511978 at BB&T, an institution insured by the Federal Deposit Insurance Corporation, and made payable to John Campbell for the purpose of maintaining and operating Little Boxwood, which involved the proceeds of a specified unlawful activity, that is Illegal Gambling in violation of Title 18, United States Code, Section 1955, to conduct and attempt to conduct such a financial transaction affecting interstate commerce with the intent to promote the carrying on of the specified unlawful activity.

3. All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

COUNT SEVEN

The Grand Jury charges:

1. That the Introduction to this Indictment is realleged and incorporated by reference into this Count of the Indictment.
2. That on or about May 25, 2006, in the Western Judicial District of Virginia and elsewhere, LUIS AGUIRRE MARTINEZ, the defendant, did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Check #1147 in the amount of \$600.00 was drawn by LUIS AGUIRRE MARTINEZ on an account number 5238511978 at BB&T, an institution insured by the Federal Deposit Insurance Corporation, and made payable to KJ Trophy for the purpose of maintaining and operating Little Boxwood, which involved the proceeds of a specified unlawful activity, that is Illegal Gambling in violation of Title 18, United States Code, Section 1955, to conduct and attempt to conduct such a financial transaction affecting interstate commerce with the intent to promote the carrying on of the specified unlawful activity.
3. All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

COUNT EIGHT

The Grand Jury charges:

1. That the Introduction to this Indictment is realleged and incorporated by reference into this Count of the Indictment.
2. That on or about November 1, 2003, in the Western Judicial District of Virginia and elsewhere, LUIS AGUIRRE MARTINEZ, the defendant, did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Check #3146 in the

amount of \$2,444.80 was drawn by LUIS AGUIRRE MARTINEZ on an account number 5138356614 at BB&T, an institution insured by the Federal Deposit Insurance Corporation, and made payable to National City Mortgage, which involved the proceeds of a specified unlawful activity, that is Illegal Gambling in violation of Title 18, United States Code, Section 1955, knowing that the transaction was designed in whole and in part to conceal and disguise the nature of the proceeds of said specified unlawful activity and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction funds which represented the proceeds of some form of unlawful activity.

3. All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT NINE

The Grand Jury charges:

1. That the Introduction to this Indictment is realleged and incorporated by reference into this Count of the Indictment.

2. That on or about August 6, 2004, in the Western Judicial District of Virginia and elsewhere, LUIS AGUIRRE MARTINEZ, the defendant, did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Check #3265 in the amount of \$786.59 was drawn by LUIS AGUIRRE MARTINEZ on an account number 5138356614 at BB&T, an institution insured by the Federal Deposit Insurance Corporation, and made payable to Wells Fargo, which involved the proceeds of a specified unlawful activity, that is Illegal Gambling in violation of Title 18, United States Code, Section 1955, knowing that the transaction was designed in whole and in part to conceal and disguise the nature of the proceeds of said specified unlawful

activity and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction funds which represented the proceeds of some form of unlawful activity.

3. All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT TEN

(Forfeiture Allegation)

The Grand Jury charges:

1. In committing the one or more of the felony offenses alleged in Counts One and Four through Nine of this Indictment, the defendants DALE EDWARD MORELAND and LUIS AGUIRRE MARTINEZ shall forfeit to the United States of America:

- (a) any property, real or personal, involved in a violation of 18 U.S.C. § 1956, or any property traceable to a violation thereof, pursuant to 18 U.S.C. § 982(a)(1);
- (b) any property, including money, used in violation of 18 U.S.C. § 1955, pursuant to 18 U.S.C. § 1955(d); and
- (c) any property, real or personal, which constitutes or is derived from proceeds traceable to said violation, pursuant to 18 U.S.C. § 981(A)(1)(C).

2. The property to be forfeited to the United States includes but is not limited to the following property:

(a) **Money Judgment**

Not less than \$700,000 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate was obtained directly or indirectly as a result of the aforesaid offense or is traceable to such property.

(b) **United States Currency and/or financial account(s)**

- (1) Approximately \$19,612.00 in U.S. Currency
- (2) Approximately \$2,576.00 in U.S. Currency
- (3) Any and all funds on deposit in BB&T Account No. 5238511978, held in the name of LUIS AGUIRRE MARTINEZ doing business as Martinez Game Farm
- (4) Any and all funds on deposit in BB&T Account No. 5237482567, held in the name of LUIS AGUIRRE MARTINEZ

(c) **Real Property**

- (1) Certain real property and premises located at 1198/1240 Kite Hollow Road, Stanley, Virginia, any and all proceeds from the sale thereof.

Being the same property conveyed to LUIS AGUIRRE MARTINEZ and Juana Martinez, husband and wife, from Joann Foltz, widow, by Deed dated August 20, 2003, recorded in the Circuit Court Clerk's Office of Page County, Virginia, as Instrument No. 030004130.

- (2) Certain real property and premises located at 9680 Cisler Lane, Manassas, Virginia, any and all proceeds from the sale thereof.

Being the same property conveyed to LUIS AGUIRRE MARTINEZ and Juana Martinez, husband and wife, from Haskell W. Smith, Sole Acting Trustee for Columbia Financial Corporation Profit Sharing Plan, by Deed dated June 26, 1998, recorded in the Circuit Court Clerk's Office of Prince William County, Virginia, as Instrument No. 72065.

- (3) Certain real property and premises located at 9215 Prince William Street, Manassas, Virginia, any and all proceeds from the sale thereof.

Being the same property conveyed to LUIS AGUIRRE MARTINEZ and Juana Martinez, husband and wife, from Nirmal Kanal, Trustee of the Nirmal Kanal Revocable Trust, by Deed dated November 25, 1998, recorded in the Circuit Court Clerk's Office of Manassas, Virginia, as Instrument No. 53294.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, and including but not limited to the above-described property and the following described property:

(a) **Real Property:**

- (1) All that certain lot or parcel of land situate in Gainesboro Magisterial District, Frederick County, Virginia, known as 469 Pack Horse Road, Winchester, Virginia, any and all proceeds from the sale thereof.

Being the same property conveyed to DZLE EDWARD MORELAND, Single, and Desiree A. Ellmore, Single, from Frank Gonzalez, Widower, and Frank Keith Gonzalez, Single, by Deed dated April 28, 1999, recorded in the Circuit Court Clerk's Office of Frederick County, Virginia, in Book No. 935, Page 488.

A TRUE BILL, this 18th day of September, 2007.

Betty Street
FOREPERSON

John R. Brumley / leg TDB
UNITED STATES ATTORNEY